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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,736	05/12/2005	Josep Montanya Silvestre	0070.1100	9052
21171	7590	12/13/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ROJAS, BERNARD	
			ART UNIT 2832	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,736

Applicant(s)

MONTANYA SILVESTRE, JOSEP

Examiner

Bernard Rojas

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-71 is/are pending in the application.
- 4a) Of the above claim(s) 41-44 and 49-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-40, 45 and 71 is/are rejected.
- 7) ☒ Claim(s) 46-48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05122005 06282007</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Embodiment 2, claims 38, 39, 40, 45-48 and 71 in the reply filed on 08/28/2007 is acknowledged.

Claims 41-44 and 49-70 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08/28/2007.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is being defined by the following claim limitation "wherein the closing of the electric circuit occurs even though the conductor element remains at a voltage in principle unknown".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 39, 40, 45 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feng et al. [US 6,143,997] in view of Sun [US 6,307,452].

Claim 38, Feng et al. discloses a Miniaturized relay comprising: a first condenser plate [30, left], a second condenser plate [20, left] facing said first condenser plate, in which said second plate is smaller than or equal to said first plate [equal to], an intermediate space [figure 3b], a conductive element [17] arranged in said intermediate space, said conductive element being a detached part for movement freely along the intermediate space between a first end of said intermediate space, defining a first zone [the top, see figure 3b, where 17 located] and a second end of said intermediate space, defining a second zone [the bottom, see figure 3a, where 17 located], said movement depending on voltages present in said first and second condenser plates, where said first condenser plate is arranged in said first zone and said second condenser plate is arranged in said second zone, a third condenser plate [20, right] arranged in said second zone, in which said third condenser plate is smaller than or equal to said first condenser plate, and in which said second and third condenser plates are, together,

larger than said first condenser plate [figures 3a and 3b] with a first electric circuit [16a, 16b] with a contact point [16] defining a first stop [figure 3b]

Feng et al. is a shunt type switch, it fails to teach that there is a break in the conductive element.

Sun teaches a an electric circuit [18] with a first contact point of an electric circuit [figure 3, top half of 18], a second contact point [figure 3, bottom half of 18] of said electric circuit, in which said first and second contact points define first stops [figure 5b], wherein, when said element contacts said first stops said conductive element closes said electric circuit [figure 5b].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the signal line architecture of Feng et al. from a shunt switch to a single pull single throw switch as shown by Sun in order to have a switch which is normally closed instead of normally open.

Claim 71, Feng et al. discloses a relay according to claim 38, further comprising a substrate [10] that defines, with the first, second and third condenser plates and the first stops, the intermediate space, and conductive element's movement is in a direction perpendicular to the substrate [figures 3a and 3b].

Claim 39, Feng et al. discloses a relay according to claim 71, wherein said first contact point is in said second zone [figures 3a and 3b].

Claim 40, Feng et al. discloses a relay according to claim 383._99, wherein said second contact point is likewise in said second zone [figures 3a and 3b].

Claim 45, Feng et al. discloses a relay according to claim 71, further comprising:
a second stop [32] in said first zone [figures 3a and 3b].

Allowable Subject Matter

Claims 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M and W-F, 5:30-3:00.

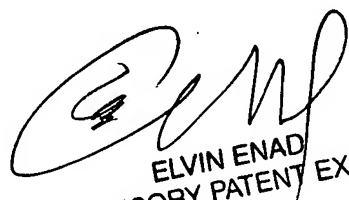
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Br


ELVIN ENAD
SUPERVISORY PATENT EXAMINER
12/10/17